

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JIMMY R. KING,

Plaintiff,

v.

C/O JENNINGS, et al.,

Defendants.

Case No. 16-cv-2482
Hon. Terrence G. Berg

**ORDER ADOPTING REPORT AND RECOMMENDATION
(DKT. 95)**

This matter is before the Court on Magistrate Judge Alistair Newbern's September 11, 2018 Report and Recommendation (Dkt. 95), recommending that Defendants' Motions for Summary Judgment (Dkt. 45, Dkt. 72) be GRANTED and Plaintiff's Motion for Summary Judgment (Dkt. 50) be DENIED.

The Court has reviewed the Magistrate Judge's Report and Recommendation. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of a report and recommendation. 28 U.S.C. § 636(b)(1). The district court will make a "*de novo* determination of those portions of the report . . . to which objection is

made.” *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will therefore accept the Magistrate’s Report and Recommendation of September 11, 2018 as this Court’s findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Newbern’s Report and Recommendation of September 11, 2018 is **ACCEPTED** and **ADOPTED**. It is **FURTHER ORDERED** that Defendants’ Motions for Summary Judgment are **GRANTED** and Plaintiff’s Motion for Summary Judgment is **DENIED**.

SO ORDERED.

Dated: September 28, 2018	<u>s/Terrence G. Berg</u> TERRENCE G. BERG UNITED STATES DISTRICT JUDGE SITTING BY SPECIAL DESIGNATION
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Certificate of Service

I hereby certify that this Order was electronically filed, and the parties and/or counsel of record were served on September 28, 2018.

<u>s/A. Chubb</u> Case Manager
